RN1521831 **AP 10**

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Legislative Counsel’s Digest

AP 10: ELDER-FRIENDLY COURTS.

UNDER EXISTING LAW, THERE IS A SUPERIOR COURT IN EACH COUNTY IN CALIFORNIA. THESE COURTS HANDLE VARIOUS CRIMINAL AND CIVIL CASES, INCLUDING FAMILY LAW, PROBATE, AND JUVENILE MATTERS.

THIS MEASURE WOULD MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION THAT WOULD ESTABLISH AND MAINTAIN AT LEAST ONE ELDER-FRIENDLY COURT THAT ELDER ABUSE VICTIMS CAN EASILY ACCESS IN EACH COUNTY IN THE STATE.

VOTE: MAJORITY.

AP 10: RELATING TO ELDER-FRIENDLY COURTS

WHEREAS, IN THE CALIFORNIA ELDER ABUSE AND DEPENDENT ADULT CIVIL PROTECTION ACT (CHAPTER 11 (COMMENCING WITH SECTION 15600) OF PART 3 OF DIVISION 9 OF THE WELFARE AND INSTITUTIONS CODE), THE LEGISLATURE ACKNOWLEDGES THAT THE ELDERLY CONSTITUTE A SIGNIFICANT AND IDENTIFIABLE SEGMENT OF THE POPULATION, THAT THEY ARE MORE SUBJECT TO RISKS OF ABUSE, NEGLECT, AND ABANDONMENT, THAT THE STATE HAS A RESPONSIBILITY TO PROTECT THESE PERSONS, AND THAT INFIRM ELDERLY PERSONS AND DEPENDENT ADULTS ARE A DISADVANTAGED CLASS; AND

WHEREAS, ACCORDING TO THE CENTER OF EXCELLENCE ON ELDER ABUSE AND NEGLECT, THE OFFICE OF THE ATTORNEY GENERAL ESTIMATES THAT 200,000 VULNERABLE ADULTS IN CALIFORNIA ARE ABUSED EACH YEAR; AND

WHEREAS, MANY OLDER ADULTS FIND THE SUPERIOR COURT SYSTEM INTIMIDATING AND DIFFICULT TO NAVIGATE, AND THEREFORE CANNOT AVAIL THEMSELVES OF LEGAL PROTECTION FROM PHYSICAL, PSYCHOLOGICAL, AND FINANCIAL ABUSE, OR BENEFIT FROM PROPER ACCESS TO LEGAL REMEDIES IN CASES INVOLVING LANDLORD-TENANT DISPUTES, CONSERVATORSHIP, PROBATE, KINSHIP CARE, AND SMALL CLAIMS; AND

WHEREAS, THE FEDERAL ELDER JUSTICE ACT OF 2010 CALLS FOR NEW AND IMPROVED MEASURES TO ADDRESS ELDER ABUSE AND RECOGNIZES THAT ELDER ABUSE OFTEN REQUIRES THE INVOLVEMENT OF THE CRIMINAL AND CIVIL JUSTICE SYSTEMS; AND

WHEREAS, MANY COURT BUILDINGS ARE IN HARD-TO-ACCESS URBAN LOCATIONS WITH LARGE COURTROOMS THAT ARE CHALLENGING FOR HEARING-IMPAIRED SENIOR CITIZENS; AND

WHEREAS, ELDER ABUSE VICTIMS HAVE UNIQUE NEEDS, INCLUDING AGE-RELATED HEALTH CONDITIONS THAT MAY REQUIRE ATTENTION IN THE COURT SETTING; AND

WHEREAS, THE AMERICAN BAR ASSOCIATION AND THE NATIONAL CENTER FOR STATE COURTS HAVE FOUND THAT IMPLEMENTING ELDER-FRIENDLY PRACTICES IN THE COURT PROCESS INCREASES SENIOR ACCESS TO JUSTICE; AND

WHEREAS, THE SUPERIOR COURTS IN THE COUNTIES OF ALAMEDA, CONTRA COSTA, AND VENTURA HAVE SUCCESSFULLY IMPLEMENTED PROGRAMS DESIGNED TO ADDRESS ELDER ABUSE, PROVIDE MORE COMPREHENSIVE, ELDER-FRIENDLY REMEDIES, AND INTEGRATE SERVICES WITH THE RESOURCES OF COMMUNITY PROVIDERS; AND

WHEREAS, THE JUDICIAL COUNCIL, IN A 2008 STUDY FUNDED BY THE ARCHSTONE FOUNDATION, RECOMMENDED ACCESS IMPROVEMENTS, INCLUDING MAKING VICTIM AND WITNESS ADVOCATES AVAILABLE AND INVOLVED IN ASSISTING OLDER ABUSED PERSONS THROUGHOUT THE JUDICIAL PROCESS, LINKING ABUSED PERSONS TO APPROPRIATE SERVICES, TRAINING JUDGES AND COURT STAFF TO RECOGNIZE AND RESPOND APPROPRIATELY TO ELDER ABUSE, SCHEDULING SPECIFIC TIME FRAMES, PARTICULARLY IN THE MIDMORNING, THAT ACCOMMODATE THE ELDERLY FOR COURT APPEARANCES, ALLOWING ELDER LITIGANTS TO APPEAR FIRST, FACILITATING THE USE OF TELEPHONIC APPEARANCES FOR ELDER VICTIMS WHO HAVE DIFFICULTY WITH TRAVEL, PROVIDING A FLOOR-LEVEL WITNESS BOX, MAKING ENHANCED COMMUNICATION DEVICES AND LARGE-FONT PLEADINGS AVAILABLE, AND PRIORITIZING SWIFT RESTITUTION AND THE RETURN OF PROPERTY TO ELDER VICTIMS; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR ASSEMBLY AND THE SENIOR SENATE, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2015 REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA ESTABLISH AND MAINTAIN AT LEAST ONE ELDER-FRIENDLY COURT THAT ELDER ABUSE VICTIMS CAN EASILY ACCESS IN EACH COUNTY IN THE STATE; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA TO ENACT APPROPRIATE LEGISLATION THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE SPEAKER OF THE ASSEMBLY, THE PRESIDENT PRO TEMPORE OF THE SENATE, AND THE GOVERNOR OF THE STATE OF CALIFORNIA.